

REMARKS

1. Present Status of Patent Application

This is a full and timely response to the outstanding non-final Office Action of August 5, 2008. Claims 1, 10, 19, and 24 have been amended, and claims 1, 3-11, 13-19, 21-25, and 27-32 remain pending in the present application. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

2. Response to Rejections of Claims under 35 U.S.C. §112

Claims 1, 3-11, 13-19, 21-22, 24-25, and 27-32 have been rejected under 35 U.S.C. §112, second paragraph. The Office Action alleges that the claim language "local presence" is ambiguous and subject to misinterpretation.

In response, independent claims 1, 10, 19, and 24 have been amended to add additionally clarity. Accordingly, withdrawal of the rejections is respectfully requested.

3. Response to Rejections of Claims under 35 U.S.C. §101

Claims 1, 3-9, 19, and 21-23 have been rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. The Office Action contends that the claimed subject matter is directed towards a file handling system which is "nothing more than software components."

In response, Applicant submits that the specification states that functional elements shown in flowcharts may be implemented by software. The specification does not state that a server is implemented by software. Moreover, a "server" may be considered to be an "article of manufacture" or a "machine", which are explicitly recognized as statutory subject matter under Section 101. For at least these reasons, the rejection of claims 1, 3-9, 19, and 21-23 should be withdrawn.

Claims 24-25 and 27-32 have been rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. The Office Action contends that the claimed subject matter pertains to a computer-readable storage medium which is defined to be a paper storage medium.

In response, Applicant submits that independent claim 24 recites a "computer readable storage medium having a program for handling files on a Connect:Direct server,

wherein the computer readable storage medium is a physical structure executed by a computer." Further, the specification describes many forms of computer readable mediums and does not limit a computer readable medium to being paper. In particular, the specification describes that "the computer-readable medium could even be paper or another suitable medium upon which the program is printed, as the program can be electronically captured, via for instance optical scanning of the paper or other medium, then compiled, interpreted or otherwise processed in a suitable manner if necessary, and then stored in a computer memory." Page 12 (Emphasis added). Accordingly, a program is described as being stored in computer memory before being executed by a computer, in this particular example. For at least these reasons, the language "wherein the computer readable storage medium is a physical structure executed by a computer" is not disclosed to be paper in Applicant's disclosure. As a result, the rejection of claims 24-25 and 27-32 should be withdrawn.

4. Response to Rejections of Claims under 35 U.S.C. §103

Claims 1, 3-11, 13-19, 21-25, and 27-32 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Persels* (U.S. Patent No. 7,065,547) in view of *Hashem* (U.S. Patent No. 7,155,578).

a. Claim 1

As provided in independent claim 1, Applicant claims:

A file handling system, comprising:
a terminating file transfer server operable to receive a file transfer message from an originating file transfer server along with at least one file, the file transfer message including details about the transfer of said at least one file including a local user and at least one filename for said at least one file;

an agent operable to read the file transfer message received from the originating file transfer server, and direct the transfer of said at least one filename and said at least one file associated with said at least one filename to a home directory associated with the local user in accordance with instructions from a configuration file residing in the home directory; and

the configuration file residing in the home directory, and operable to instruct the agent to transfer said at least one file from the home directory to a remote host, wherein the

configuration file comprises a host name and a port name of the remote host thereby allowing transfer of said at least one file to the remote host without necessitating the remote host being logged on the terminating file transfer server.

(Emphasis added).

Applicant respectfully submits that independent claim 1 is allowable for at least the reason that *Persels* in view of *Hashem* does not disclose, teach, or suggest at least "an agent operable to read the file transfer message received from the originating file transfer server, and direct the transfer of said at least one filename and said at least one file associated with said at least one filename to a home directory associated with the local user in accordance with instructions from a configuration file residing in the home directory; and the configuration file residing in the home directory, and operable to instruct the agent to transfer said at least one file from the home directory to a remote host, wherein the configuration file comprises a host name and a port name of the remote host thereby allowing transfer of said at least one file to the remote host without necessitating the remote host being logged on the terminating file transfer server," as emphasized above.

In reviewing the reference, *Persels* describes that "the eFORWARD ServerSM 12 will invoke an intermediate process specified below. Immediately upon receipt of the message by the eFORWARD serverSM 12, the eFORWARD serverSM 12 determines whether the partner eDIRECTTM is 'checked in' (i.e. listening). If so, contact with a listening eDIRECT clientSM is attempted by sending a short message to the specified IP address and listening port. If a destination eDIRECTSM client responds, then the message is immediately delivered and so marked in the eFORWARD Server database 24. If the partner iBoxSM eDIRECT client does not respond, then the message is retained in the eFORWARD database 24 until the partner iBoxSM eDIRECT client contacts the eFORWARD Server 12 and requests delivery. An iBox eDIRECT Client is considered to be listening if it has sent the eFORWARD Server a message within the previous 'n' minutes advising it of the IP address and port number on which it is listening. The number of minutes, 'n', is an installation parameter." Col. 6, lines 6-24 (Emphasis added).

Accordingly, *Persels* requires an eDIRECT client to establish a local presence of the client on eFORWARD Server to initiate delivery of a file. As such, *Persels* does not disclose that a configuration file residing in a home directory comprises a host name and port name of the remote host where a file is transferred. As a result, *Persels* fails to teach or suggest at least “an agent operable to read the file transfer message received from the originating file transfer server, and direct the transfer of said at least one filename and said at least one file associated with said at least one filename to a home directory associated with the local user in accordance with instructions from a configuration file residing in the home directory; and the configuration file residing in the home directory, and operable to instruct the agent to transfer said at least one file from the home directory to a remote host, wherein the configuration file comprises a host name and a port name of the remote host thereby allowing transfer of said at least one file to the remote host without necessitating the remote host being logged on the terminating file transfer server,” as recited in claim 1.

Further, *Hashem* describes techniques for transferring files from a first location to a second location. *Hashem* describes that a file may be placed in an outbasket at a first location and a process at the first location transfers the file to an inbasket at a second location. See Fig. 5. *Hashem* describes that an outbasket may correspond to a single destination, i.e., an external inbasket. See col. 5, lines 48-50. *Hashem* further describes that a file may be placed in an external inbasket at the second location and a process at the first location checks to determine whether a file is found in the external inbasket at the second location and downloads the file to the first location if a file is found. See Fig. 7. It is noted that a process at the second location does not initiate transfer of the file to the first location. Further, *Hashem* describes that a port parameter may be associated with a local basket used to send data in TCP/IP communications. Accordingly, this is a port associated with a basket at the basket's location and not a port associated with a destination. See col. 12, lines 17-27.

Thus, *Hashem* requires a host having an internal inbasket to establish a local presence of (e.g., logging into) the host having the internal inbasket with a host having an external outbasket before the host having the internal inbasket can download a file from the outbasket of the other host. As such, *Hashem* individually or in combination

with *Persels* fails to teach or suggest at least "an agent operable to read the file transfer message received from the originating file transfer server, and direct the transfer of said at least one filename and said at least one file associated with said at least one filename to a home directory associated with the local user in accordance with instructions from a configuration file residing in the home directory; and the configuration file residing in the home directory, and operable to instruct the agent to transfer said at least one file from the home directory to a remote host, wherein the configuration file comprises a host name and a port name of the remote host thereby allowing transfer of said at least one file to the remote host without necessitating the remote host being logged on the terminating file transfer server," as recited in claim 1. For example, neither *Persels* nor *Hashem* describes that a file received at an inbasket is transferred to a home directory in accordance with instructions by an agent residing at the inbasket. For example, *Hashem* describes that a remote process downloads a file found in an external inbasket.

Accordingly, claim 1 is patentable over *Persels* in view of *Hashem*, and the rejection of claim 1 should be withdrawn.

b. Claims 3-9

For at least the reasons given above, claim 1 is allowable over the cited art of record. Since claims 3-9 depend from and include the features of claim 1 and recite additional features, claims 3-9 are allowable as a matter of law over the cited art of record.

c. Claim 10

As provided in independent claim 10, Applicant claims:

A method of handling files on a Connect:Direct server, comprising:
receiving a file transfer message from an originating file transfer server at a terminating file transfer server;
determining a home directory from a local user associated with the file transfer message;
storing at least one file associated with the file transfer message in the home directory;
retrieving a configuration file from the home directory, wherein the configuration file comprises a host name and a port name of a remote host; and

transmitting said at least one file responsive to the configuration file to the remote host without necessitating the remote host being logged on the terminating file transfer server.

(Emphasis added).

Applicant respectfully submits that independent claim 10 is allowable for at least the reason that *Persels* in view of *Hashem* does not disclose, teach, or suggest at least "retrieving a configuration file from the home directory, wherein the configuration file comprises a host name and a port name of a remote host; and transmitting said at least one file responsive to the configuration file to the remote host without necessitating the remote host being logged on the terminating file transfer server," as emphasized above.

In reviewing the reference, *Persels* describes that "the eFORWARD ServerSM 12 will invoke an intermediate process specified below. Immediately upon receipt of the message by the eFORWARD serverSM 12, the eFORWARD serverSM 12 determines whether the partner eDIRECTTM is 'checked in' (i.e. listening). If so, contact with a listening eDIRECT clientSM is attempted by sending a short message to the specified IP address and listening port. If a destination eDIRECTSM client responds, then the message is immediately delivered and so marked in the eFORWARD Server database 24. If the partner iBoxSM eDIRECT client does not respond, then the message is retained in the eFORWARD database 24 until the partner iBoxSM eDIRECT client contacts the eFORWARD Server 12 and requests delivery. An iBox eDIRECT Client is considered to be listening if it has sent the eFORWARD Server a message within the previous 'n' minutes advising it of the IP address and port number on which it is listening. The number of minutes, 'n', is an installation parameter." Col. 6, lines 6-24

(Emphasis added).

Accordingly, *Persels* requires an eDIRECT client to establish a local presence of the client on eFORWARD Server to initiate delivery of a file. As such, *Persels* does not disclose that a configuration file residing in a home directory comprises a host name and port name of the remote host where a file is transferred. As a result, *Persels* fails to teach or suggest at least "retrieving a configuration file from the home directory, wherein the configuration file comprises a host name and a port name of a remote host; and transmitting said at least one file responsive to the configuration file to the remote host

without necessitating the remote host being logged on the terminating file transfer server," as recited in claim 10.

Further, *Hashem* describes techniques for transferring files from a first location to a second location. *Hashem* describes that a file may be placed in an outbasket at a first location and a process at the first location transfers the file to an inbasket at a second location. See Fig. 5. *Hashem* describes that an outbasket may correspond to a single destination, i.e., an external inbasket. See col. 5, lines 48-50. *Hashem* further describes that a file may be placed in an external inbasket at the second location and a process at the first location checks to determine whether a file is found in the external inbasket at the second location and downloads the file to the first location if a file is found. See Fig. 7. It is noted that a process at the second location does not initiate transfer of the file to the first location. Further, *Hashem* describes that a port parameter may be associated with a local basket used to send data in TCP/IP communications. Accordingly, this is a port associated with a basket at the basket's location and not a port associated with a destination. See col. 12, lines 17-27.

Thus, *Hashem* requires a host having an internal inbasket to establish a local presence of the host having the internal inbasket with a host having an external outbasket before the host having the internal inbasket can download a file from the outbasket of the other host. As such, *Hashem* individually or in combination with *Persels* fails to teach or suggest at least "retrieving a configuration file from the home directory, wherein the configuration file comprises a host name and a port name of a remote host; and transmitting said at least one file responsive to the configuration file to the remote host without necessitating the remote host being logged on the terminating file transfer server," as recited in claim 10. For example, neither *Persels* nor *Hashem* describes that a file received at an inbasket is transferred to a home directory in accordance with instructions by an agent residing at the inbasket. For example, *Hashem* describes that a remote process downloads a file found in an external inbasket.

Accordingly, claim 10 is patentable over *Persels* in view of *Hashem*, and the rejection of claim 10 should be withdrawn.

d. Claims 11 and 13-18

For at least the reasons given above, claim 10 is allowable over the cited art of record. Since claims 11 and 13-18 depend from and include the features of claim 10 and recite additional features, claims 11 and 13-18 are allowable as a matter of law over the cited art of record.

e. Claim 19

As provided in independent claim 19, Applicant claims:

A Connect:Direct file handling system, comprising:
a terminating file transfer server;
an agent; and
a configuration file;

the terminating file transfer server being operable to launch the agent upon receipt of a file transfer message, the file transfer message comprising a local username and at least one filename, and the agent being operable to direct the transfer of at least one file associated with the filename to a home directory associated with the username, the agent being further operable to read the configuration file, and transfer said at least one file to a remote host specified by the configuration file without necessitating the remote host being logged on the terminating transfer file server, wherein the configuration file is operable to store a host name and a port number associated with the remote host.

(Emphasis added).

Applicant respectfully submits that independent claim 19 is allowable for at least the reason that *Persels* in view of *Hashem* does not disclose, teach, or suggest at least "the terminating file transfer server being operable to launch the agent upon receipt of a file transfer message, the file transfer message comprising a local username and at least one filename, and the agent being operable to direct the transfer of at least one file associated with the filename to a home directory associated with the username, the agent being further operable to read the configuration file, and transfer said at least one file to a remote host specified by the configuration file without the remote host being logged on the terminating file transfer server, wherein the configuration file is operable to store a host name and a port number associated with the remote host," as emphasized above.

In reviewing the reference, *Persels* describes that "the eFORWARD ServerSM 12 will invoke an intermediate process specified below. Immediately upon receipt of the message by the eFORWARD serverSM 12, the eFORWARD serverSM 12 determines whether the partner eDIRECTTM is 'checked in' (i.e. listening). If so, contact with a listening eDIRECT clientSM is attempted by sending a short message to the specified IP address and listening port. If a destination eDIRECTSM client responds, then the message is immediately delivered and so marked in the eFORWARD Server database 24. If the partner iBoxSM eDIRECT client does not respond, then the message is retained in the eFORWARD database 24 until the partner iBoxSM eDIRECT client contacts the eFORWARD Server 12 and requests delivery. An iBox eDIRECT Client is considered to be listening if it has sent the eFORWARD Server a message within the previous 'n' minutes advising it of the IP address and port number on which it is listening. The number of minutes, 'n', is an installation parameter." Col. 6, lines 6-24.

Accordingly, *Persels* requires an eDIRECT client to establish a local presence of the client on eFORWARD Server to initiate delivery of a file. As such, *Persels* does not disclose that a configuration file residing in a home directory comprises a host name and port name of the remote host where a file is transferred. As a result, *Persels* fails to teach or suggest at least "the terminating file transfer server being operable to launch the agent upon receipt of a file transfer message, the file transfer message comprising a local username and at least one filename, and the agent being operable to direct the transfer of at least one file associated with the filename to a home directory associated with the username, the agent being further operable to read the configuration file, and transfer said at least one file to a remote host specified by the configuration file without necessitating the remote host being logged on the terminating file server, wherein the configuration file is operable to store a host name and a port number associated with the remote host," as recited in claim 19.

Further, *Hashem* describes techniques for transferring files from a first location to a second location. *Hashem* describes that a file may be placed in an outbasket at a first location and a process at the first location transfers the file to an inbasket at a second location. See Fig. 5. *Hashem* describes that an outbasket may correspond to a single destination, i.e., an external inbasket. See col. 5, lines 48-50. *Hashem* further

describes that a file may be placed in an external inbasket at the second location and a process at the first location checks to determine whether a file is found in the external inbasket at the second location and downloads the file to the first location if a file is found. See Fig. 7. It is noted that a process at the second location does not initiate transfer of the file to the first location. Further, *Hashem* describes that a port parameter may be associated with a local basket used to send data in TCP/IP communications. Accordingly, this is a port associated with a basket at the basket's location and not a port associated with a destination. See col. 12, lines 17-27.

Thus, *Hashem* requires a host having an internal inbasket to establish a local presence of the host having the internal inbasket with a host having an external outbasket before the host having the internal inbasket can download a file from the outbasket of the other host. As such, *Hashem* individually or in combination with *Persels* fails to teach or suggest at least "the terminating file transfer server being operable to launch the agent upon receipt of a file transfer message, the file transfer message comprising a local username and at least one filename, and the agent being operable to direct the transfer of at least one file associated with the filename to a home directory associated with the username, the agent being further operable to read the configuration file, and transfer said at least one file to a remote host specified by the configuration file without necessitating the remote host being logged on the terminating file server, wherein the configuration file is operable to store a host name and a port number associated with the remote host," as recited in claim 19. For example, neither *Persels* nor *Hashem* describes that a file received at an inbasket is transferred to a home directory in accordance with instructions by an agent residing at the inbasket. For example, *Hashem* describes that a remote process downloads a file found in an external inbasket.

Accordingly, claim 19 is patentable over *Persels* in view of *Hashem*, and the rejection of claim 19 should be withdrawn.

f. Claims 21-22

For at least the reasons given above, claim 19 is allowable over the cited art of record. Since claims 21-22 depend from and include the features of claim 19 and recite additional features, claims 21-22 are allowable as a matter of law over the cited art of record.

g. Claim 23

Claim 23 has been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Persels* in view of *Hashem* in view of “what was well known in the networking art.” Applicant respectfully traverses this finding.

Per MPEP 2144.03(A), “It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known.” Also, per MPEP 2144.03(B), “If such notice is taken, the basis for such reasoning must be set forth explicitly. The Examiner must provide specific factual findings predicated on sound technical and scientific reasoning to support his or her conclusion of common knowledge.”

As specific factual findings predicated on sound technical and scientific reasoning in support of the conclusion of common knowledge are not provided in the Office Action, the rejections based upon this finding should be withdrawn. Further, under 37 CFR § 1.104(d)(2), if the rejections are based on facts within the personal knowledge of the examiner, “the data should be stated as specifically as possible, and the facts must be supported, when called for by the applicant, by an affidavit from the examiner. Such an affidavit is subject to contradiction or explanation by the affidavits of the applicant and other persons.” Therefore, if this rejection is maintained, Applicant respectfully requests that document(s) be provided as support.

Notwithstanding the above traversal, all of the claimed features of independent claim 19 are not taught and suggested by *Persels* and *Hashem*, as previously discussed. Since claim 23 depends from claim 19 and recites additional features, claim 23 is allowable as a matter of law over the cited art.

h. Claim 24

As provided in independent claim 24, Applicant claims:

A computer readable storage medium having a program for handling files on a Connect:Direct server, wherein the computer readable storage medium is a physical structure and the program is operable, when executed by a computer to perform:

receiving a file transfer message from an originating file transfer server at the terminating file transfer server;

determining a home directory from a local user associated with the file transfer message;

storing at least one file associated with the file transfer message in the home directory;

retrieving a configuration file from the home directory, wherein the configuration file comprises a host name and a port name of a remote host; and

transmitting said at least one file responsive to the configuration file to the remote host without necessitating the remote host being logged on the terminating file transfer server.

(Emphasis added).

Applicant respectfully submits that independent claim 24 is allowable for at least the reason that *Persels* in view of *Hashem* does not disclose, teach, or suggest at least "retrieving a configuration file from the home directory, wherein the configuration file comprises a host name and a port name of a remote host; and transmitting said at least one file responsive to the configuration file to the remote host without necessitating the remote host being logged on the terminating file transfer server," as emphasized above.

In reviewing the reference, *Persels* describes that "the eFORWARD ServerSM 12 will invoke an intermediate process specified below. Immediately upon receipt of the message by the eFORWARD serverSM 12, the eFORWARD serverSM 12 determines whether the partner eDIRECTTM is 'checked in' (i.e. listening). If so, contact with a listening eDIRECT clientSM is attempted by sending a short message to the specified IP address and listening port. If a destination eDIRECTSM client responds, then the message is immediately delivered and so marked in the eFORWARD Server database 24. If the partner iBoxSM eDIRECT client does not respond, then the message is retained in the eFORWARD database 24 until the partner iBoxSM eDIRECT client contacts the eFORWARD Server 12 and requests delivery. An iBox eDIRECT Client is

considered to be listening if it has sent the eFORWARD Server a message within the previous 'n' minutes advising it of the IP address and port number on which it is listening. The number of minutes, 'n', is an installation parameter." Col. 6, lines 6-24.

Accordingly, *Persels* requires an eDIRECT client to establish a local presence of the client on eFORWARD Server to initiate delivery of a file. As such, *Persels* does not disclose that a configuration file residing in a home directory comprises a host name and port name of the remote host where a file is transferred. As a result, *Persels* fails to teach or suggest at least "retrieving a configuration file from the home directory, wherein the configuration file comprises a host name and a port name of a remote host; and transmitting said at least one file responsive to the configuration file to the remote host without necessitating the remote host being logged on the terminating file transfer server," as recited in claim 24.

Further, *Hashem* describes techniques for transferring files from a first location to a second location. *Hashem* describes that a file may be placed in an outbasket at a first location and a process at the first location transfers the file to an inbasket at a second location. See Fig. 5. *Hashem* describes that an outbasket may correspond to a single destination, *i.e.*, an external inbasket. See col. 5, lines 48-50. *Hashem* further describes that a file may be placed in an external inbasket at the second location and a process at the first location checks to determine whether a file is found in the external inbasket at the second location and downloads the file to the first location if a file is found. See Fig. 7. It is noted that a process at the second location does not initiate transfer of the file to the first location. Further, *Hashem* describes that a port parameter may be associated with a local basket used to send data in TCP/IP communications. Accordingly, this is a port associated with a basket at the basket's location and not a port associated with a destination. See col. 12, lines 17-27.

Thus, *Hashem* describes techniques for transferring files from a first location to a second location. *Hashem* describes that a file may be placed in an outbasket at a first location and a process at the first location transfers the file to an inbasket at a second location. See Fig. 5. *Hashem* describes that an outbasket may correspond to a single destination, *i.e.*, an external inbasket. See col. 5, lines 48-50. *Hashem* further describes that a file may be placed in an external inbasket at the second location and a

process at the first location checks to determine whether a file is found in the external inbasket at the second location and downloads the file to the first location if a file is found. See Fig. 7. It is noted that a process at the second location does not initiate transfer of the file to the first location. Further, *Hashem* describes that a port parameter may be associated with a local basket used to send data in TCP/IP communications. Accordingly, this is a port associated with a basket at the basket's location and not a port associated with a destination. See col. 12, lines 17-27.

Accordingly, *Hashem* requires a host having an internal inbasket to establish a local presence of the host having the internal inbasket with a host having an external outbasket before the host having the internal inbasket can download a file from the outbasket of the other host. As such, *Hashem* individually or in combination with *Persels* fails to teach or suggest at least "retrieving a configuration file from the home directory, wherein the configuration file comprises a host name and a port name of a remote host; and transmitting said at least one file responsive to the configuration file to the remote host without necessitating the remote host being logged on the terminating file transfer server," as recited in claim 24. For example, neither *Persels* nor *Hashem* describes that a file received at an inbasket is transferred to a home directory in accordance with instructions by an agent residing at the inbasket. For example, *Hashem* describes that a remote process downloads a file found in an external inbasket.

Accordingly, claim 24 is patentable over *Persels* in view of *Hashem*, and the rejection of claim 24 should be withdrawn.

i. Claims 26-32

For at least the reasons given above, claim 24 is allowable over the cited art of record. Since claims 25 and 27-32 depend from and include the features of claim 24 and recite additional features, claims 25 and 27-32 are allowable as a matter of law over the cited art of record.

CONCLUSION

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

For at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. In addition, Applicant reserves the right to address any comments made in the Office Action that were not specifically addressed herein. Thus, such comments should not be deemed admitted by the Applicant. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



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